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OPM Eyes Establishing National-Security Boards

Personnel Action Called Response to Spy Case

By George Lardner Jr.
and Howard Kurtz
Washington Post Staff Writers

The Office of Personnel Management, in a move prompted by the prosecution of former Navy intelligence analyst Samuel Loring Morison, asked the military services early this month for nominations to "Security Hearing Boards" that could lead to the summary removal of civilian employees "in the interests of national security."

An OPM spokesman said last night that the plan had been shelved, at least for the moment, in light of Morison's post-conviction resignation from the government. But at the Defense Department, officials said they were still mulling the OPM request.

The first American convicted of leaking classified government information to the news media, Morison, 41, was found guilty in October of espionage and theft, but he did not quit his job at the Naval Intelligence Support Center in Suitland until after the verdict, despite government attempts to remove him.

"We went by the book," Armisted P. Rood, one of Morison's attorneys, said. "I think [at the Pentagon] they felt constrained. My guess is that they felt when it comes to national-security issues, they felt they could override regular employment procedures and they found out they couldn't."

Requests for nominations that could produce an up-to-date "roster of potential board members" were sent Dec. 2 to the secretaries of the Navy, Army and Air Force by Con-

stance Horner, director of the Office of Personnel Management.

"Recent events," Horner wrote, "have increased the possibility that it may be necessary to convene Security Hearing Boards to hear cases of the summary suspension and removal of federal employees in the interests of national security and provide advisory opinions for agency heads on those actions . . ."

"Based upon presidential instructions," she continued, "OPM's guidance requires OPM to obtain nominations for Security Hearing Board members from the agencies. A separate roster of potential board members is to be maintained for the Department of Defense."

OPM spokesman James Lafferty said the "presidential instructions" cited in the letter were issued by President Dwight D. Eisenhower in a 1953 executive order that laid the basis for the Federal Loyalty-Security Program of the 1950s.

In her letters, Horner asked Navy Secretary John F. Lehman Jr. and his counterparts to furnish lists of 10 civilian employees for each service and referred them for further questions to two top OPM aides "because of the urgency and significance of this matter." Neither aide responded yesterday to repeated phone calls.

Lafferty, however, said the impetus for the letter came from the general counsels of the Navy and the Army who "asked for help to assemble names of candidates of these panels."

"We went ahead because there was some indication there might be

other cases," Lafferty said. But since none has materialized, he said, "there's no plan to continue forming these boards unless we get a request. This was strictly a response to the Morison case."

Lafferty said he did not know what prompted the Army general counsel's office to join in the proposal. At the Pentagon, meanwhile, a spokesman said yesterday afternoon that no reply had been sent to OPM thus far because the military wanted to study it further.

The idea drew prompt criticism from Capitol Hill. "Nobody has really paid much attention to this [procedure] since the [Sen. Joseph] McCarthy era," said Rep. Patricia Schroeder (D-Colo.), chairman of a House civil service subcommittee. "It died from nonuse. It looks like it's just been resurrected."

Rep. Don Edwards (D-Calif.), chairman of a House constitutional rights subcommittee, said he suspected "a certain amount of repression" since "we started to read about all these arrests for spying . . ."

"Deja vu," he said. "I've seen it happen over and over again, under Democrats and Republicans."

Morison was sentenced to two years in prison Dec. 4 but is free on appeal bond. Rood said Morison had been on voluntary suspension without pay since January and then, "once the case was over, to save the Navy any further embarrassment or trouble, he submitted his voluntary resignation. I think it was effective today [Friday]."

Rood said Navy officials visited Morison in the D.C. jail after his arrest on Oct. 1, 1984, and "proffered a personnel [suspension] notice" after "we had told him not to talk to anybody He was then put on suspension based on this notice and we appealed to protect his rights We have heard that a tremendous amount of heat was put on the Navy and on NISC because of this case."